

**REMARKS**

Claims 1-41, 61, 63, 65 and 67 are currently pending in this application. Claim 1 is amended to replace the term “modentate” with “monodentate.” The presentation of “modentate” in the previous amendment was a typographical mistake and should have been “monodentate.” No new matter is added by virtue of this amendment.

**35 U.S.C. § 102 Rejection**

Claims 1-41, 61, 63, 65 and 67 stand rejected under 35 U.S.C. § 102(a) as being anticipated by United States Patent No. 6,372,869 to Arthur et al. (hereinafter “Arthur”). The Examiner asserts that Arthur teaches the use of a Ni metal catalyst formed by contacting monodentate ligands with Ni, and directs Applicants’ attention to Example XII.

Applicants respectfully traverse this rejection as it may pertain to amended claim 1.

Applicants thank the Examiner for the courtesies extended in the two telephone conversations conducted with Bernard Berman, Esq., in which Mr. Berman pointed out, and to which the Examiner recognized, that the correct structure the Examiner meant to refer to in the Office Action is formula XI, not formula XII, at column 2 of the Arthur reference.

With respect to the Examiner’s assertion of anticipation by Arthur, Arthur generally states, at column 1, lines 48-56, that:

This invention concerns, a process for the polymerization of a polymerizable olefin using as a polymerization catalyst a complex of a bidentate ligand of a metal selected from the group consisting of nickel, iron, and cobalt, wherein the improvement comprises, using as a chain transfer agent an effective amount of hydrogen, CBr<sub>4</sub> or a compound of the formula R<sup>1</sup>R<sup>2</sup>R<sup>3</sup>SiH, wherein R<sup>1</sup> is alkyl containing 2 or more carbon atoms, R<sup>2</sup> is alkyl, and R is hydrogen or alkyl (emphasis added).

More specifically, Arthur states, at column 1, lines 57-67, that:

This invention also concerns a process for the polymerization of one or more polymerizable olefins, comprising, contacting:

- (a) one or more polymerizable olefins;
- (b) an effective amount of a chain transfer agent selected from the group consisting of hydrogen,  $\text{CBr}_4$  and a compound of the formula  $\text{R}^1\text{R}^2\text{R}^3\text{SiH}$ , wherein  $\text{R}^1$  is alkyl containing 2 or more carbon atoms,  $\text{R}^2$  is alkyl, and  $\text{R}^3$  is hydrogen or alkyl;
- (c) an active polymerization catalyst which contains a nickel complex of a ligand of the formula...

Arthur then proceeds to list thirty structures, one being formula XI. Applicants respectfully submit that the listing of the thirty structures immediately following the above-cited general and more specific disclosures of Arthur must be bidentate, not monodentate, ligands.

Based on the above-cited disclosure of Arthur, it is clear that Arthur is directed only to bidentate ligands. Indeed, the specification is silent with respect to the use of monodentate ligands of a metal as a polymerization catalyst. Therefore, because the Arthur disclosure neither teaches nor suggests using monodentate ligands of a metal as a polymerization catalyst, it cannot be deemed, under 35 U.S.C. § 102(a), to anticipate the claims.

Pending claims 1-41, 61, 63, 65 and 67 depend either directly or indirectly on claim 1, and thus also are not anticipated by Arthur. Therefore, Applicants respectfully request withdrawal of this rejection and allowance of claims 1-41, 61, 63, 65 and 67.

Further, as Arthur does not teach or suggest the use of Ni and/or Pd catalysts bound to monodentate ligands, Applicants respectfully assert that claims 1-41, 61, 63, 65 and 67 cannot be obvious in view of this reference.

Application No. 10/782,547  
Paper dated April 10, 2006  
Response to Office Action dated February 13, 2006  
Attorney Docket No. 4262-031383

In view of the foregoing remarks, it is respectfully submitted that pending claims 1-41, 61, 63, 65 and 67 in the present application are distinguishable from the cited prior art. Accordingly, reconsideration and withdrawal of the rejection and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Paul M. Reznick  
Registration No. 33,059  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
Telephone: 412-471-8815  
Facsimile: 412-471-4094  
E-mail: webblaw@webblaw.com